

AMENDED IN ASSEMBLY JUNE 11, 2003

AMENDED IN SENATE APRIL 22, 2003

SENATE BILL

No. 345

Introduced by Senator Kuehl

(Coauthors: Assembly Members Lieber and Pavley)

February 19, 2003

An act to amend Sections ~~1954.52~~ 1954, 1954.52, and 1954.53 of the Civil Code, to amend Sections ~~Section 1161.2 and 1166~~ of, and to add ~~Section 1178.5 to repeal and add Section 1166 of~~, the Code of Civil Procedure, and to amend Section 34332 of the Health and Safety Code, relating to tenancy.

LEGISLATIVE COUNSEL'S DIGEST

SB 345, as amended, Kuehl. Tenancy.

(1) *Existing law regulates the times and circumstances under which a landlord may enter a tenant's dwelling.*

This bill would specify additional information to be included in the notice that a landlord is required to give prior to entry. The bill would provide that oral notice is sufficient under certain circumstances, and specify information that the oral notice is required to include, and that the entry that is being noticed be within one week.

(2) Existing law sets forth the Costa-Hawkins Rental Housing Act, as specified, authorizing owners of residential real property to establish the initial and all subsequent rental rates for certain dwellings and units.

This bill would provide that for specified tenancies, which are terminated pursuant to an ordinance or charter provision governing owner or relative occupancy, the dwelling or unit shall be offered and rented or leased at the lawful rent in effect at the time of termination plus

any annual adjustments available under the ordinance or charter provision.

(2)

(3) In a summary proceeding for the possession of real property, as specified, existing law prohibits a court clerk from providing access to certain court records for 60 days following the date the complaint is filed, except as specified. These provisions require that the court clerk mail a specified notice to a defendant named in an eviction action. Existing law permits a court to exempt itself from these provisions upon a specified finding.

This bill would revise and recast these provisions by ~~changing the period of time that providing that~~ court records would be inaccessible ~~to be based on the date final judgment is rendered in favor of the plaintiff, by requiring the redaction of certain information by a clerk of the court when a plaintiff is not granted judgment against a defendant, by revising, except pursuant to an ex parte court order showing good cause or within 30 days following the entry of when a final judgment in favor of a plaintiff, as specified.~~ The bill would also revise the notice the clerk is required to send to defendants in eviction cases, ~~and by removing~~ remove the ability of a court to exempt itself from these provisions, ~~and remove a duty placed on the Judicial Council to examine the extent of certain requests for court records.~~

(3)

(4) Existing law requires a plaintiff in a summary proceeding for the possession of real property, as specified, to include certain information in a verified complaint.

This bill would revise the information that a plaintiff must include in a verified complaint to include the name of the person verifying the complaint, as specified, and ~~a copy of any notice of termination served on the defendant or a public entity to state the method used to serve the defendant with a notice of termination, as specified,~~ among other items.

~~(4) Existing law permits a court to relieve a tenant against a forfeiture of a lease or rental agreement, as specified, in cases of hardship.~~

This bill would permit a tenant who has received a 3-day notice in an unlawful detainer action to redeem the tenancy and continue in lawful possession by tendering certain amounts to an owner or an owner's agent, either before or after the filing of a complaint, as specified. The bill would require a court to grant judgment for a tenant upon tender or deposit of these amounts. ~~The bill would permit a tenant to redeem his~~



~~or her tenancy under these provisions only if the tenant has resided at the dwelling for at least one year, has not redeemed his or her tenancy under this section for the prior 2 years, and the tender or deposit of these amounts is made before the commencement of trial, as specified.~~

(5) Existing law regulates the activities of local housing authorities.

This bill would direct local housing authorities, in exercising their discretion regarding drug-related criminal activity or other criminal activity of certain public housing tenants and people connected to them, to terminate a tenancy or subsidy or evict a tenant only if specified conditions are true.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 1954 of the Civil Code is amended to*
2 *read:*

3 1954. (a) A landlord may enter the dwelling unit only in the
4 following cases:

5 ~~(a)~~

6 (1) In case of emergency.

7 ~~(b)~~

8 (2) To make necessary or agreed repairs, decorations,
9 alterations or improvements, supply necessary or agreed services,
10 or exhibit the dwelling unit to prospective or actual purchasers,
11 mortgagees, tenants, ~~workmen~~ workers, or contractors or to make
12 an inspection pursuant to subdivision (f) of Section 1950.5.

13 ~~(c)~~

14 (3) When the tenant has abandoned or surrendered the
15 premises.

16 ~~(d)~~

17 (4) Pursuant to court order.

18 (b) Except in cases of emergency or when the tenant has
19 abandoned or surrendered the premises, entry may not be made
20 during other than normal business hours unless the tenant consents
21 *to an entry during other than normal business hours* at the time of
22 entry.

23 (c) The landlord ~~shall~~ may not abuse the right of access or use
24 it to harass the tenant. ~~Except in cases of emergency or when the~~
25 ~~tenant has abandoned or surrendered the premises~~

(d) (1) *Except as provided in subdivision (e), or as provided in paragraph (2) or paragraph (3), the landlord shall give the tenant reasonable notice in writing of his or her intent to enter and enter only during normal business hours. The notice shall include the date, approximate time, and purpose of the entry.* The notice may be personally delivered to the tenant, left with someone of a suitable age and discretion at the premises, or, left on, near, or under the usual entry door of the premises in a manner in which a reasonable person would discover the notice. Twenty-four hours shall be presumed to be reasonable notice in absence of evidence to the contrary. The notice may be mailed to the tenant. Mailing of the notice at least six days prior to an intended entry is presumed reasonable notice in the absence of evidence to the contrary.

(2) If the purpose of the entry is to exhibit the dwelling unit to prospective or actual purchasers, the notice may be given orally, in person or by telephone, if the landlord or his or her agent has notified the tenant in writing within 120 days of the oral notice that the property is for sale and that the landlord or agent may contact the tenant orally for the purpose described above. Twenty-four hours is presumed reasonable notice in the absence of evidence to the contrary. *The notice shall include the date, approximate time, and purpose of the entry.* At the time of entry, the landlord or agent shall leave written evidence of the entry inside the unit.

(3) *If the tenant requests that the entry be made, the notice may be given orally, in person, or by telephone. The notice shall include the date and approximate time of the entry, which shall be within one week of the request.*

(e) *No notice of entry is required under this section:*

(1) *To respond to an emergency.*

(2) *If the tenant is present and consents to the entry at the time of entry.*

(3) *After the tenant has abandoned or surrendered the unit.*

SEC. 2. Section 1954.52 of the Civil Code is amended to read:

1954.52. (a) Notwithstanding any other provision of law, an owner of residential real property may establish the initial and all subsequent rental rates for a dwelling or a unit about which any of the following is true:

(1) It has a certificate of occupancy issued after February 1, 1995.

1 (2) It has already been exempt from the residential rent control
2 ordinance of a public entity on or before February 1, 1995,
3 pursuant to a local exemption for newly constructed units.

4 (3) (A) It is alienable separate from the title to any other
5 dwelling unit or is a subdivided interest in a subdivision, as
6 specified in subdivision (b), (d), or (f) of Section 11004.5 of the
7 Business and Professions Code.

8 (B) This paragraph does not apply to either of the following:

9 (i) A dwelling or unit where the preceding tenancy has been
10 terminated by the owner by notice pursuant to Section 1946 or
11 1946.1, or has been terminated upon a change in the terms of the
12 tenancy noticed pursuant to Section 827.

13 (ii) A condominium dwelling or unit that has not been sold
14 separately by the subdivider to a bona fide purchaser for value. The
15 initial rent amount of such a unit for purposes of this chapter shall
16 be the lawful rent in effect on May 7, 2001, unless the rent amount
17 is governed by a different provision of this chapter. However, if a
18 condominium dwelling or unit meets the criteria of paragraph (1)
19 or (2) of subdivision (a), or if all the dwellings or units except one
20 have been sold separately by the subdivider to bona fide purchasers
21 for value, and the subdivider has occupied that remaining unsold
22 condominium dwelling or unit as his or her principal residence for
23 at least one year after the subdivision occurred, then subparagraph
24 (A) of paragraph (3) shall apply to that unsold condominium
25 dwelling or unit.

26 (C) Where a dwelling or unit in which the initial or subsequent
27 rental rates are controlled by an ordinance or charter provision in
28 effect on January 1, 1995, the following shall apply:

29 (i) An owner of real property as described in this paragraph
30 may establish the initial and all subsequent rental rates for all
31 existing and new tenancies in effect on or after January 1, 1999,
32 if the tenancy in effect on or after January 1, 1999, was created
33 between January 1, 1996, and December 31, 1998.

34 (ii) Commencing on January 1, 1999, an owner of real property
35 as described in this paragraph may establish the initial and all
36 subsequent rental rates for all new tenancies if the previous
37 tenancy was in effect on December 31, 1995, unless the tenancy
38 in effect on December 31, 1995, was terminated pursuant to an
39 ordinance or charter provision governing owner or relative
40 occupancy. If the tenancy was terminated pursuant to an ordinance

1 or charter provision governing owner or relative occupancy, for a
2 tenancy commenced after December 31, 2003, and within five
3 years after the tenant vacates the dwelling or unit, or the owner or
4 relative occupancy begins, whichever is later, the dwelling or unit
5 shall be offered and rented or leased at the lawful rent in effect at
6 the time of the termination, plus any annual adjustments available
7 under the ordinance or charter provision.

8 (iii) The initial rental rate for a dwelling or unit as described in
9 this paragraph in which the initial rental rate is controlled by an
10 ordinance or charter provision in effect on January 1, 1995, may
11 not, until January 1, 1999, exceed the amount calculated pursuant
12 to subdivision (c) of Section 1954.53. An owner of residential real
13 property as described in this paragraph may, until January 1, 1999,
14 establish the initial rental rate for a dwelling or unit only where the
15 tenant has voluntarily vacated, abandoned, or been evicted
16 pursuant to paragraph (2) of Section 1161 of the Code of Civil
17 Procedure.

18 (b) Subdivision (a) does not apply if the owner has otherwise
19 agreed by contract with a public entity in consideration for a direct
20 financial contribution or any other forms of assistance specified in
21 Chapter 4.3 (commencing with Section 65915) of Division 1 of
22 Title 7 of the Government Code.

23 (c) Nothing in this section may be construed to affect the
24 authority of a public entity that may otherwise exist to regulate or
25 monitor the basis for eviction.

26 (d) This section does not apply to any dwelling or unit that
27 contains serious health, safety, fire, or building code violations,
28 excluding those caused by disasters, for which a citation has been
29 issued by the appropriate governmental agency and which has
30 remained unabated for six months or longer preceding the
31 vacancy.

32 ~~SEC. 2.~~

33 *SEC. 3.* Section 1954.53 of the Civil Code is amended to read:

34 1954.53. (a) Notwithstanding any other provision of law, an
35 owner of residential real property may establish the initial rental
36 rate for a dwelling or unit, except where any of the following
37 applies:

38 (1) The previous tenancy has been terminated by the owner by
39 notice pursuant to Section 1946 or 1946.1, or has been terminated
40 upon a change in the terms of the tenancy noticed pursuant to

1 Section 827, except a change permitted by law in the amount of
2 rent or fees. For the purpose of this paragraph, the owner's
3 termination or nonrenewal of a contract or recorded agreement
4 with a governmental agency that provides for a rent limitation to
5 a qualified tenant shall be construed as a change in the terms of the
6 tenancy pursuant to Section 827.

7 (A) In a jurisdiction that controls by ordinance or charter
8 provision the rental rate for a dwelling or unit, if an owner
9 terminates a tenancy after December 31, 2003, pursuant to an
10 ordinance or charter provision governing owner or relative
11 occupancy, for all tenancies commenced within five years after the
12 tenant vacates the unit, or the owner or relative occupancy begins,
13 whichever is later, the dwelling or unit shall be offered and rented
14 or leased at the lawful rent in effect at the time of the termination,
15 plus annual adjustments available under the ordinance or charter
16 provision. This subparagraph does not apply to dwellings or units
17 subject to subdivision (a) of Section 1954.52.

18 (B) In a jurisdiction that controls by ordinance or charter
19 provision the rental rate for a dwelling or unit, an owner who
20 terminates or fails to renew a contract or recorded agreement with
21 a governmental agency that provides for a rent limitation to a
22 qualified tenant is not eligible to set an initial rent for three years
23 following the date of the termination or nonrenewal of the contract
24 or agreement. For any new tenancy established during the
25 three-year period, the rental rate for a new tenancy established in
26 that vacated dwelling or unit shall be at the same rate as the rent
27 under the terminated or nonrenewed contract or recorded
28 agreement with a governmental agency that provided for a rent
29 limitation to a qualified tenant, plus any increases authorized after
30 the termination or cancellation of the contract or recorded
31 agreement.

32 (C) Subparagraph (B) does not apply to any new tenancy of 12
33 months or more duration established after January 1, 2000,
34 pursuant to the owner's contract or recorded agreement with a
35 governmental agency that provides for a rent limitation to a
36 qualified tenant unless the prior vacancy in that dwelling or unit
37 was pursuant to a nonrenewed or canceled contract or recorded
38 agreement with a governmental agency that provides for a rent
39 limitation to a qualified tenant as set forth in that subparagraph.

1 (2) The owner has otherwise agreed by contract with a public
2 entity in consideration for a direct financial contribution or any
3 other forms of assistance specified in Chapter 4.3 (commencing
4 with Section 65915) of Division 1 of Title 7 of the Government
5 Code.

6 (3) The initial rental rate for a dwelling or unit whose initial
7 rental rate is controlled by an ordinance or charter provision in
8 effect on January 1, 1995, may not until January 1, 1999, exceed
9 the amount calculated pursuant to subdivision (c).

10 (b) Subdivision (a) applies to, and includes, renewal of the
11 initial hiring by the same tenant, lessee, authorized subtenant, or
12 authorized sublessee for the entire period of his or her occupancy
13 at the rental rate established for the initial hiring.

14 (c) The rental rate of a dwelling or unit whose initial rental rate
15 is controlled by ordinance or charter provision in effect on January
16 1, 1995, shall, until January 1, 1999, be established in accordance
17 with this subdivision. If the previous tenant has voluntarily
18 vacated, abandoned, or been evicted pursuant to paragraph (2) of
19 Section 1161 of the Code of Civil Procedure, an owner of
20 residential real property may, no more than twice, establish the
21 initial rental rate for a dwelling or unit in an amount that is no
22 greater than 15 percent more than the rental rate in effect for the
23 immediately preceding tenancy or in an amount that is 70 percent
24 of the prevailing market rent for comparable units, whichever
25 amount is greater.

26 The initial rental rate established pursuant to this subdivision
27 may not be deemed to substitute for or replace increases in rental
28 rates otherwise authorized pursuant to law.

29 (d) (1) Nothing in this section or any other provision of law
30 may be construed to preclude express establishment in a lease or
31 rental agreement of the rental rates to be applicable in the event the
32 rental unit subject thereto is sublet, and nothing in this section shall
33 be construed to impair the obligations of contracts entered into
34 prior to January 1, 1996.

35 (2) Where the original occupant or occupants who took
36 possession of the dwelling or unit pursuant to the rental agreement
37 with the owner no longer permanently reside there, an owner may
38 increase the rent by any amount allowed by this section to a lawful
39 sublessee or assignee who did not reside at the dwelling or unit
40 prior to January 1, 1996.

(3) This subdivision does not apply to partial changes in occupancy of a dwelling or unit where one or more of the occupants of the premises, pursuant to the agreement with the owner provided for above, remains an occupant in lawful possession of the dwelling or unit, or where a lawful sublessee or assignee who resided at the dwelling or unit prior to January 1, 1996, remains in possession of the dwelling or unit. Nothing contained in this section may be construed to enlarge or diminish an owner's right to withhold consent to a sublease or assignment.

(4) Acceptance of rent by the owner does not operate as a waiver or otherwise prevent enforcement of a covenant prohibiting sublease or assignment or as a waiver of an owner's rights to establish the initial rental rate unless the owner has received written notice from the tenant that is party to the agreement and thereafter accepted rent.

(e) Nothing in this section may be construed to affect any authority of a public entity that may otherwise exist to regulate or monitor the grounds for eviction.

(f) This section does not apply to any dwelling or unit if all the following conditions are met:

(1) The dwelling or unit has been cited in an inspection report by the appropriate governmental agency as containing serious health, safety, fire, or building code violations, as defined by Section 17920.3 of the Health and Safety Code, excluding any violation caused by a disaster.

(2) The citation was issued at least 60 days prior to the date of the vacancy.

(3) The cited violation had not been abated when the prior tenant vacated and had remained unabated for 60 days or for a longer period of time. However, the 60-day time period may be extended by the appropriate governmental agency that issued the citation.

~~SEC. 3.~~

SEC. 4. Section 1161.2 of the Code of Civil Procedure is amended to read:

1161.2. (a) Except as provided in subdivision (b) or (f), in any case filed under this chapter as a limited civil case, the court clerk may not allow access to the court file, index, register of actions, or other court records ~~unless and until 60 days following the date final judgment is rendered in favor of the plaintiff after~~

~~trial or motion for summary judgment, except pursuant to an ex parte court order upon a showing of good cause therefor by any person including, but not limited to, a newspaper publisher. However, the clerk of the court shall allow access to the court file to a party in the action, an attorney of a party in the action, or any other person who (1) provides to the clerk the names of at least one plaintiff, one defendant, and the address, including the apartment, unit, or space number, if applicable, of the subject premises, or (2) provides to the clerk the name of one of the parties or the case number and can establish through proper identification that he or she resides at the subject premises. In cases where the plaintiff is not granted judgment against each and every defendant, the court clerk may allow access to the court file, index, register of actions, or other court records, but only if the clerk redacts the identity of any defendant against whom a judgment was not entered.~~

(b) *If judgment is entered in favor of the plaintiff, the clerk shall allow public access to the public access to the judgment 30 days following its entry unless a motion to set aside the judgment or an appeal has been filed, in which case access may not be allowed unless or until the motion has been denied or the appeal has been resolved in favor of the plaintiff.*

(c) For purposes of this section, “good cause” includes, but is not limited to, the gathering of newsworthy facts by a person described in Section 1070 of the Evidence Code. It is the intent of the Legislature that a simple procedure be established to request the ex parte order described in subdivision (a).

~~(e)~~

(d) Except as provided in subdivision (f), upon the filing of any case so restricted, the court clerk shall mail notice to each defendant named in the action. The notice shall be mailed to the address provided in the complaint. The notice shall contain a statement that an unlawful detainer complaint (eviction action) has been filed naming that party as a defendant. The notice shall contain on its face the name and telephone number of the county bar association and the name and telephone number of an office funded by the federal Legal Services Corporation that provides legal services to low-income persons in the county in which the action is filed. The notice shall state that these numbers may be called for legal advice regarding the case. The notice shall be issued between 24 and 48 hours of the filing of the complaint,

1 excluding weekends and holidays. One copy of the notice shall be
2 addressed to “all occupants” and mailed separately to the subject
3 premises. The notice shall not constitute service of the summons
4 and complaint.

5 ~~(d)~~

6 (e) Notwithstanding any other provision of law, the court shall
7 charge an additional fee of four dollars (\$4) for filing a first
8 appearance by the plaintiff. This fee shall be included as part of the
9 total filing fee for actions filed under this chapter.

10 ~~(e) The Judicial Council shall examine the extent to which~~
11 ~~requests for access to files pursuant to an ex parte order under~~
12 ~~subdivision (a) are granted or denied, and if denied, the reason for~~
13 ~~the denial of access.~~

14 (f) This section does not apply to a case that seeks to terminate
15 a mobilehome park tenancy if the statement of the character of the
16 proceeding in the caption of the complaint clearly indicates that the
17 complaint seeks termination of a mobilehome park tenancy.

18 ~~SEC. 4. Section 1166 of the Code of Civil Procedure is~~
19 ~~amended to read:~~

20 ~~1166. The plaintiff, in his or her complaint, which shall be~~
21 ~~verified and include the typed or printed name of the person~~
22 ~~verifying the complaint, must set forth the facts on which he or she~~
23 ~~seeks to recover, and describe the premises with reasonable~~
24 ~~certainty, and may set forth therein any circumstances of fraud,~~
25 ~~force, or violence which may have accompanied the alleged~~
26 ~~forcible entry or forcible or unlawful detainer, and claim damages~~
27 ~~therefor. In case the unlawful detainer charged is after default in~~
28 ~~the payment of rent, the complaint must state the amount of the~~
29 ~~rent. Upon filing the complaint, a summons must be issued~~
30 ~~thereon. The plaintiff shall attach to the complaint a copy of any~~
31 ~~notice of termination served on the defendant or any public entity,~~
32 ~~any proof of service of the notice served on the defendant or any~~
33 ~~public entity, any written rental agreement or lease regarding the~~
34 ~~premises, and proof of registration with any local rent stabilization~~
35 ~~entity, if registration is required by local law. If a proof of service~~
36 ~~of any notice on the defendant is not attached, the plaintiff shall~~
37 ~~state specifically in the complaint the method used to serve the~~
38 ~~defendant.~~

39 ~~SEC. 5. Section 1178.5 is added to the Code of Civil~~
40 ~~Procedure, to read:~~

~~1178.5.— (a) A tenant who has been served a notice under subdivision 2 of Section 1161 may redeem the tenancy and continue in lawful possession before an unlawful detainer complaint has been filed by tendering to the owner or owner's agent both of the following:~~

~~(1) The amount of the rent specified in the three-day notice to be in arrears.~~

~~(2) Any subsequent rent that has become due under the lease or rental agreement.~~

~~(b) A tenant who has been served a notice under subdivision 2 of Section 1161 may redeem the tenancy and continue in lawful possession after an unlawful detainer complaint has been filed by tendering to the owner or owner's agent, or depositing with the court, all of the following:~~

~~(1) The amounts specified in paragraphs (1) and (2) of subdivision (a).~~

~~(2) Any reasonable attorney fees incurred by the plaintiff as of the date of tender, if fees are provided for in a written lease or rental agreement covering the dwelling.~~

~~(3) The cost of filing the action with the court.~~

~~(c) For purposes of this section, reasonable attorneys' fees are presumed to be one hundred seventy-five dollars (\$175) if the tender is made prior to the day of trial and three hundred fifty dollars (\$350) if tender is made on the day of trial, or the amount provided in any local rule of court for unlawful detainer actions, whichever is less.~~

~~(d) Upon tender or deposit of the total amount specified in subdivision (a) or (b), the court shall grant judgment for the tenant. If the amount has been tendered to, but not accepted by, the owner or owner's agent, the court may grant conditional judgment for the tenant subject to the tenant's payment of either the amount due under subdivision (a), if the tender was made prior to the filing of the complaint, or the amount due under subdivision (b), if the tender was made after the complaint was filed. Notwithstanding any provision in the lease or rental agreement, the judgment shall cover all rent, attorneys' fees and costs arising out of the breach that gave rise to the unlawful detainer.~~

~~(e) A tenant may only redeem his or her tenancy and continue in lawful possession pursuant to this section if all of the following are true:~~

1 ~~(1) The tenant has resided at the dwelling for at least one year.~~

2 ~~(2) The tenant has not redeemed his or her tenancy under this~~
3 ~~section during the two years prior to the date of service of the~~
4 ~~three day notice.~~

5 ~~(3) The tender or deposit is made before commencement of the~~
6 ~~trial or, if there is no trial, before judgment is rendered.~~

7 *SEC. 5. Section 1166 of the Code of Civil Procedure is*
8 *repealed.*

9 ~~1166. The plaintiff, in his complaint, which shall be verified,~~
10 ~~must set forth the facts on which he seeks to recover, and describe~~
11 ~~the premises with reasonable certainty, and may set forth therein~~
12 ~~any circumstances of fraud, force, or violence which may have~~
13 ~~accompanied the alleged forcible entry or forcible or unlawful~~
14 ~~detainer, and claim damages therefor. In case the unlawful detainer~~
15 ~~charged is after default in the payment of rent, the complaint must~~
16 ~~state the amount of such rent. Upon filing the complaint, a~~
17 ~~summons must be issued thereon.~~

18 *SEC. 6. Section 1166 is added to the Code of Civil Procedure,*
19 *to read:*

20 *1166. (a) The complaint shall:*

21 *(1) Be verified and include the typed or printed name of the*
22 *person verifying the complaint.*

23 *(2) Set forth the facts on which the plaintiff seeks to recover.*

24 *(3) Describe the premises with reasonable certainty.*

25 *(4) If the action is based on paragraph (2) of Section 1161, state*
26 *the amount of rent in default.*

27 *(5) State specifically the method used to serve the defendant*
28 *with the notice or notices of termination upon which the complaint*
29 *is based. This requirement may be satisfied by using and*
30 *completing all items relating to service of the notice or notices in*
31 *an appropriate Judicial Council form complaint, or by attaching*
32 *a proof of service of the notice or notices of termination served on*
33 *the defendant.*

34 *(b) The complaint may set forth any circumstances of fraud,*
35 *force, or violence that may have accompanied the alleged forcible*
36 *entry or forcible or unlawful detainer, and claim damages therefor.*

37 *(c) The plaintiff shall attach to the complaint both of the*
38 *following:*

39 *(1) A copy of the notice or notices of termination served on the*
40 *defendant upon which the complain is based.*

1 (2) *A copy of any lease or rental agreement with the defendant*
2 *regarding the premises. Any addenda or attachments to the rental*
3 *agreement or lease that do not form or affect the basis of the*
4 *complaint may be listed rather than attached.*

5 (d) *Upon filing the complaint, a summons shall be issued*
6 *thereon.*

7 ~~SEC. 6.~~

8 SEC. 7. Section 34332 of the Health and Safety Code is
9 amended to read:

10 34332. An authority shall do all of the following:

11 (a) Expressly covenant in all of its leases and rental agreements
12 to repair the premises to comply with all building ordinances
13 effective at the time of construction of the unit being leased or
14 rented as to which it has not received an exception from the county
15 or city in which the unit is situated pursuant to Section 34513 and
16 not affected by a resolution adopted pursuant to Section 34517.

17 (b) Within each managed structure of four or more dwelling
18 units with one or more common entrances, except leased housing,
19 post notice that a copy of all its leasing and occupancy policies,
20 regulations and procedures is at each housing project office for
21 inspection during regular business hours.

22 (c) Make available public documents and records of the
23 authority for inspection, except any applications for eligibility and
24 occupancy which are submitted by prospective or current tenants
25 of the authority.

26 (d) Make an inspection of the premises before a tenant moves
27 in and allow the tenant or prospective tenant the opportunity to
28 examine the record of inspection.

29 (e) Hold all of its public meetings at a time convenient to most
30 tenants and in a public room large enough to accommodate the
31 persons who may reasonably be expected to attend. Any person
32 may speak at the meeting, if the person informs the authority at any
33 time before the meeting begins that he or she desires to speak.

34 (f) Within each managed structure of four or more dwelling
35 units with one or more common entrances, except leased housing,
36 post notice of the schedule of regular meetings of the
37 commissioners and of the posting of changes in schedule and of
38 summary agendas in housing project offices.

39 (g) At each project office post a copy of all its leasing and
40 occupancy policies, regulations and procedures, and post a notice

1 of each meeting of the commissioners together with a summary
2 agenda for the meeting at least three days in advance of each
3 meeting. Unintentional or unavoidable failure to post, or changes
4 in the agenda, does not affect the validity of the proceedings.

5 (h) Distribute as an addendum to its lease form notice of the
6 availability of all of the following:

7 (1) Leasing and occupancy policies, regulations and
8 procedures.

9 (2) Notices of meetings, and summary agendas.

10 (3) Grievance procedures.

11 (4) Any available written translations into languages other than
12 English of notices, records, or documents required by this section
13 to be posted or made available to tenants.

14 (5) Any oral translation services available to tenants not
15 speaking, reading, or understanding English.

16 (i) In exercising its discretion regarding drug-related criminal
17 activity or other criminal activity by public housing tenants,
18 tenants with Section 8 subsidies, their household members, their
19 guests, or other persons under their control, terminate the tenancy
20 or subsidy, or evict only a tenant who committed the criminal
21 activity or who:

22 (1) Could have reasonably foreseen the activity;

23 (2) Failed to take any reasonable steps to prevent it; and

24 (3) Was not the victim of the criminal activity, including
25 activity reported by law enforcement agencies, or housing
26 authority security personnel.

27 ~~SEC. 7.~~

28 SEC. 8. The provisions of this act are severable. If any
29 provision of this act or its application is held invalid, that invalidity
30 shall not affect other provisions or applications that can be given
31 effect without the invalid provision or application.